

AMENDMENTS TO THE DRAWINGS

Submitted herewith are formal drawing sheets to replace the informal drawing sheets originally submitted with the application. Additionally, character reference numerals 304 and 306 and leaders therefrom have been added to Sheet 11. Character reference numerals 304 and 306 are referenced in the text of the specification and this amendment merely corrects the unintentional omission of such references from the drawing figures.

REMARKS

In the Office Action, the drawings were objected to because the reference numerals 116 and 216 each appeared in the specification to designate the cam portions of the locking member. Additionally, claims 1-6, 10, 11, 14, and 15 were rejected under §102(b) as being anticipated by Garcia, and claims 7-9, 12, and 13 were rejected under §103(a) as being obvious over Garcia in view of Ashworth.

Applicant has herein amended the specification such that the specification now only refers to the numeral 216 to designate the cam portions of the locking member. Thus, the objection to drawing figures is now moot and Applicant requests that the objection be withdrawn. Additional amendments are made to the specification to correct typographical errors. Formal drawings also accompany this response.

As for rejections of claims 1-6, 10, 11, 14, and 15 under §102(b), Applicant submits that Garcia fails to anticipate such claims. Claim 1 requires, among other things, the locking member to be biased from the unlocking position toward the locking position. Although the locking nut of Garcia biases Garcia's extension member to Garcia's tile engagement member when the locking nut is in its locking position, Garcia's tool fails to have anything that biases the locking member from the unlocking position toward the locking position. In other words, Garcia's tool requires an external force to move its locking nut from the unlocked position to the locked position. As such, when the locking nut is in the unlocking position and no external force influences Garcia's tool, the locking nut will remain

in the unlocked position. For these reasons Garcia fails to disclose each and every limitation of claim 1 and therefore fails to anticipate claim 1 under §102(b). It therefore follows that claims 2-6, 10, 11, 14, and 15, being dependent upon claim 1, are also not anticipated by Garcia. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-6, 10, 11, 14, and 15.

As for the rejection of claims 7-9, 12, and 13 under §103(a), Applicant submits that, although Ashworth discloses a device comprising a locking member, Ashworth fails to teach or suggest the use or manufacture of any device comprising a locking member that is biased from an unlocking position toward a locking position, as is required by claim 1. The first embodiment of the drafting apparatus described in Ashworth comprises two locking means. One of the locking means comprises an annular locking ring 110 that pivots about two annular clutch segments 42. The locking ring 110 can be manually pivoted relative to the clutch segments 42 in a manner to selectively lock and unlock separate parts of the drafting apparatus relative to each other. After the locking ring of Ashworth has been moved to its locking position, the locking ring will remain in the locking position when the drafting apparatus is released (as disclosed in col. 6, lines 46-63) and until an external force is applied to pivot the locking ring to the unlocking position. Similarly, after the locking ring of Ashworth has been moved to its unlocking position the locking ring will remain in the unlocking position when the drafting apparatus is released and until an external force is applied to pivot the locking ring to the locking position. Nonetheless,


nothing in Ashworth suggests that the locking member is or should be biased from the unlocking position to the locking position. The other locking mechanism disclosed in Ashworth comprises a spring biased grippable portion 102. However, as disclosed in Ashworth, the grippable portion is biased from a locking position to an unlocking position when the drafting apparatus is released (see col. 6, lines 5-17).

For the reasons above, nothing in either Garcia or Ashworth suggests an apparatus for scribing tile that comprises a locking member that is biased from the unlocking position toward the locking position, as required by claim 1. As such, it follows that claims 7-9, 12, and 13, which are each dependent upon claim 1, are not rendered obvious by the combination of Garcia and Ashworth.

In view of the foregoing, Applicant submits that the claims of the present application are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone they undersigned at the number provided.

Respectfully submitted,

By:


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